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7590 Lisa K. Jorgenson STMicroelectronics, Inc. 1310 Electronics Drive Carrollton, TX 75006			EXAMINER TEKLE, DANIEL T	
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/034,751
Filing Date: December 27, 2001
Appellant(s): EGAWA ET AL.

Daniel E. Venglarik
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed July 16, 2007

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8, 10-17 and 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by **Werner (US 6151074)**.

Regarding claim 1-4: Werner discloses an apparatus for displaying a digital still image file using a Moving Picture Expert Group (MPEG) standard comprising; a controller capable of dividing the digital still image file into a plurality of sub-picture files and capable of constructing an MPEG video stream from the plurality of sub-picture files **(column 5 line 27-37 and line 55-67 respectively)**.

An MPEG processor capable of decoding the MPEG video stream to generate a plurality of decoded sub-pictures and scaling down the plurality of decoded sub-picture to a plurality of reduced size decode sub-picture **(column 5 line 55-67)**; further capable of storing the plurality of reduced size decoded sub-pictures in a display buffer **(column 3 line 61-67 and column 4 lines 1-7)**; further capable of displaying contents of the display buffer only after the MPEG video stream is decoded and further capable of freezing display of display buffer contents until a second MPEG video completely decoded **(column 3 line 61-67 and column 4 lines 1-7)**.

Regarding claim 5-8: Werner discloses an apparatus as set forth in claim1 further including decoded memory that stores the decoded sub-pictures **(column 5 line 8-26)**;

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a controller is further capable of determining a size for each of the plurality of sub-picture files and by calculating a quantity of 16 x 16 pixel macro blocks that is less than a maximum quantity of macro blocks that the MPEG processor can accept and decode and also capable of determining that the size of each of the plurality of sub-picture files does not exceed a size of the display buffer (**column 5 line 55-67 and column 6 line 1-2**).

Regarding claim 10-14: Werner discloses a digital video player capable of displaying a digital still image from a digital data storage medium comprising a controller capable of dividing the digital still image file into a plurality of sub-picture files and capable of constructing an MPEG video stream from the plurality of sub-picture files (**column 5 line 27-37 and line 55-67 respectively**).

An MPEG processor capable of decoding the MPEG video stream to generate a plurality of decoded sub-pictures and scaling down the plurality of decoded sub-picture to a plurality of reduced size decode sub-picture (**column 5 lines 27-37 and lines 55-67 respectively**); a memory for storing the plurality of decoded sub-picture files (**column 5 line 8-26**); MPEG processor further capable of storing the plurality of reduced size decoded sub-pictures in a display buffer (**column 3 lines 61-67 and column 4 lines 1-7**); MPEG processor further capable of displaying contents of the display buffer only after the MPEG video stream is decoded and further capable of freezing display of display buffer contents until a second MPEG video completely decoded (**column 3 lines 61-67 and column 4 lines 1-7**).

Regarding claims 15-17: Werner discloses an apparatus as set forth in claims 10, a controller capable of determining a size for each of the plurality of sub-picture files **(column 5 line 55-67 column 6 line 1-2 respectively)**; a controller is further capable of determining a size for each of the plurality of sub-picture files and by calculating a quantity of 16 x 16 pixel macro blocks that is less than a maximum quantity of macro blocks that the MPEG processor can accept and decode and further capable of determining that the size of each of the plurality of sub-picture files does not exceed a size of the display buffer **(column 5 line 55-67 column 6 line 1-2 respectively)**.

Regarding claim 19-20: Werner discloses a method for displaying a digital still image file from digital video player comprising: dividing the digital still image file into a plurality of sub-picture files **(column 5 lines 27-38)**; constructing an MPEG video stream file from the plurality of sub-picture files **(column 5 lines 27-38)**; decoding the MPEG video stream file to generate a decoded MPEG video stream file **(column 5 lines 27-38)**; scaling the decoded MPEG video stream file to a reduced size video stream file **(column 5 lines 55-67)**; and transmitting the reduced size video stream file to a display **(column 6 lines 15-18)**; further the step of determining a size for the display prior to scaling the decoded MPEG video stream file **(column 6 lines 15-18)**.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 9, 18 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Werner** as applied to claim 1-8, 10-17 and 19-20 above, and further in view of **Demos (US 6728317)**.

Regarding claims 9, 18 and 21: claims are drawn to an apparatus and method depends in claims 7, 16 and 21 respectively; where each of sub-picture files can be scaled down by overlapping a current sub-picture row of macro blocks with a last row of macro blocks from a subsequent sub-picture file.

See the teachings of **Werner** above. **Werner** does not teach a sub-picture files can be scaled down by **overlapping a current sub-picture row of macro blocks with a last row of macro blocks** from a subsequent sub-picture file. However, Domes teaches the enhancement of edges or borders of a frame (**column 14 lines 16-25**) and the technique of overlapped block motion compensation in MPEG 4 (**column 43 lines 24-63**).

It would have been obvious to one ordinary skill in the art at the time of the invention was made to combined Domes invention into Werner invention in order to have a valid MPEG stream.

(9) Response to Argument

Regarding claims 1-8, 10-17 and 19-20: In page 11 first paragraph of the appeal brief appellant argues, with respect to claims 1-8, 10-17 and 19-20 "a controller capable of dividing the digital still image file in to a plurality of sub-picture files, the controller further capable of constructing an MPEG video stream from the plurality of sub-picture files" and on page 11 2nd paragraph "Specifically, at no point does Werner suggest anything

related to dividing a still image file into a plurality of sub-picture files. Werner doesn't teach anything about files at all".

In response, the examiner respectfully disagrees. Werner does teach, "Decoding engine processor programmed to decompress video data. Also Werner teaches various compression standards include JPEG and MPEG program to decompress still or motion algorithms (**column 5 lines 27-58**)". It is inherent JPEG or MPEG decoder to divide digital still image in to plurality Macroblock or block and reconstruct to a picture or frame. There is no difference between constructing an MPEG video from the plurality of sub-picture and constructing an MPEG video from plurality of Macroblock since sub-picture made of plurality blocks. Also MPEG video is made of plurality image file or frames.

Appellant argue on page 11 2nd paragraph lines 1-3, "Specifically at no point does Werner teach or suggest anything related to dividing a still image file into a plurality of sub-picture files. In fact, Werner doesn't teach anything about file at all"; on page 13 2nd paragraph lines 3-5, "in relying upon the theory or inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessary flows from the teachings of the applied prior art", and a "macroblock" is commonly known to be a block of pixels in a picture, and has nothing to do with files at all".

In response, Werner discloses in column 5, lines 27-37 that "Decoding engine 24 is a processor programmed to decompress the video data. It may be programmed to support various compression standards, such as the JPEG, MPEG, MPEG2, Px64,

CCITT, etc. The programming can be for either still or full-motion decompression algorithms. Decoding engine 24 could be a multi-format decoding engine, switch-able between decompression algorithms to perform whatever decompression method is appropriate for the input signal. The output of decoding engine 24 is decompressed pixel data which, in the example of this description, is in YcbCr format.”

From the above passage, the decoder 24 can received the still MPEG2 file. It is inherently knows that MPEG2 compression (encoder) divides color image to macroblocks (YCbCr).

“File” can be broadly defined as “collecting items into a single unit so that processor can processes items as one unit. “Macroblock” of MPEG2 of Werner anticipates the claimed “file” because “Macroblock” is the collection of Y, Cb, and Cr blocks and is processed by the MPEG2 encoder as one unit.

The MPEG2 encoder of Werner divides a still image file into a plurality of sub-picture files (Macroblocks in MPEG2 of Werner).

Regarding claims 9, 18 and 21: In page 15-16 of the appeal brief appellant argue, with respect to dependent claims 9, 18 and 21. Claims 9, 8 and 21 are allowable for the reason discussed in claims 1-8, 10-17 and 19-20.

One ordinary skill in the art at the time of the invention was made would have motivated to incorporated the teaching of Domes into Werner art in order to constrict image or still picture using block or macroblocks by pixel replication, cutting edge, eliminating, or overlapping to accomplish an acceptable output, as evidenced from the teachings of Domes and Werner.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

October 11, 2007

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